

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

STACY ANN WILSON,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No. 1:22-cv-00429-ADA-CDB (SS)

FINDINGS AND RECOMMENDATION ON
PARTIES' STIPULATION TO GRANT
VOLUNTARY REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. § 405(g)
AND TO ENTER JUDGMENT

(Doc. 23)

Before the Court is the parties' Stipulation to Voluntary Remand Pursuant to sentence four of 42 U.S.C. § 405(g) and to Entry of Judgment, filed April 14, 2023. (Doc. 23).¹

The United States Supreme Court holds that the Social Security Act permits remand in conjunction with a judgment either affirming, reversing, or modifying the Secretary's decision. *See Melkonyan v. Sullivan*, 501 U.S. 89, 97-98 (1991) (addressing issue of attorney's fees under the Equal Access to Justice Act and calculating deadline using date of final judgment). The *Melkonyan* Court recognized 42 U.S.C. § 405(g) contemplates only two types of remand – sentence four or sentence six. *Id.* at 98. A sentence four remand authorizes a court to enter “a judgment affirming, modifying, or reversing the decision of the Secretary, with or without

¹ This case is referred to the undersigned magistrate judge by Local Rule 302(c)(15). Dispositive adjudications are submitted as findings and recommendations to the assigned district judge. Local Rule 304.

1 resetting the cause for a rehearing.” *Id.* (other citations omitted).

2 Upon consideration of the parties’ stipulation, pleadings and for good cause shown,

3 **IT IS HEREBY RECOMMENDED:**

- 4 1. That the above-captioned matter be remanded to the Commissioner of Social
- 5 Security for further administrative proceedings pursuant to sentence four of 42
- 6 U.S.C. § 405(g);
- 7 2. That upon remand, the Appeals Council will remand the case to an Administrative
- 8 Law Judge (“ALJ”) for a new decision in accordance with the parties’ stipulation
- 9 (Doc. 23); and
- 10 3. The district court enter a final judgment in favor of Plaintiff, and against Defendant,
- 11 reversing the final decision of the Commissioner, and terminate all pending dates.

12 These findings and recommendations will be submitted to the United States District Judge
13 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). No later than fourteen
14 (14) days after being served with these findings and recommendations, a party may file written
15 objections with the District Court. The document should be captioned “Objections to Magistrate
16 Judge’s Findings and Recommendations.” Parties are advised that failure to file objections within
17 the specified time may result in the waiver of rights on appeal. *Wilkerson v. Wheeler*, 772 F.3d
18 834, 838-39 (9th Cir. 2014) (citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)). **In**
19 **the alternative, the parties may elect to file a “Notice of No Objections to Magistrate**
20 **Judge’s Findings and Recommendations” in an effort to expedite this matter, if**
21 **appropriate.**

22 IT IS SO ORDERED.

23 Dated: April 18, 2023


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UNITED STATES MAGISTRATE JUDGE
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